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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,418	01/26/2001	Yuh-Wah Sum	70004136-1	7059

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
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EXAMINER	
TRAN, LY T	
ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,418

Applicant(s)

SUM ET AL.

Examiner

Ly T TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 8, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. (USPN 6,338,54) in view of Murray et al (USPN 5,610,635).

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipate by Hasegawa et al. (USPN 6,338,540).

With respect to claim 1, 3 and 4, Hasegawa et al discloses a method for selecting a servicing for servicing of an ink jet print head comprising: Receiving a first job with a first time information representing time information about the first printing job, storing the first time information such as the first time information is kept, receiving a second print job with a second time information representing the time information of the second job, storing the second time information, determining the time difference between the first and second time information and selecting a print head servicing routing depending on the time difference, after initiating the selected print head servicing routine the memory is updated by the time information and after updating the memory the second job is executed (Column 5: line 45-67, Column 6: line 1-67).

With respect to the limitation of the printer is switched off and switched on after storing the first time information is an obvious procedure to use the printer device. Therefore, for using the printer, these procedures can be made.

However, Hasegawa fails to teach the memory is connected to a battery and the information is kept even when the printer is switched off.

Murray teaches that the memory is connected to the battery in order to store the data when the external power is not applied to the cartridge (Column 6: line 50-60), therefore when the power is off, the information is still kept.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the memory connected to the battery as taught as Murray. The motivation to doing so is to store the data when the external power is not applied to the cartridge.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al. (USPN 6,338,54) in view of Murray et al (USPN 5,610,635) as applied to claim 8 and 9 above, further in view of Dekker (USPN 6,049,562).

Hasegawa and Murray disclose the claimed invention except that the memory is connected to the battery instead of an accumulator. Dekker shows that the memory connected to the battery and the accumulator is an equivalent structure known in the art. Therefore, because the memory connected to the battery and the accumulator were art recognized equivalents at the time the invention was made, one of ordinary

skill in the art would have found it obvious to substitute the accumulator for the battery for the same purpose such as keeping the information when the power is off.

Allowable Subject Matter

3. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is allowable over prior art of record because at least prior art have not been found to anticipate or teach that in case the determination of the time difference between the first time information and the second time information is not possible or does not lead to a reasonable result, a redefined servicing routine is selected.

Claims 6 and 7 are allowable over prior art of record because at least prior art have not been found to anticipate or teach that after switching on the printer a dirty power cycle test step is carried out checking whether the printer had been switched off during a state in which the printer and in a particular the print head had not been at rest.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

November 4, 2004



Stephen D. Meier
Primary Examiner